



CITY OF SALEM PLANNING BOARD

A public hearing of the Salem Planning Board was held on Thursday, January 6, 2022, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Chair Bill Griset opens the meeting at 6:30 pm

I. ROLL CALL

Present: Chair Bill Griset, Vice Chair Kirt Rieder, Tom Furey, Carole Hamilton, Zach Caunter, Helen Sides, Sarah Tarbet, Todd Waller, Noah Koretz (9)

Also in attendance: Elena Eimert, Hannah Martin (2)

II. REGULAR AGENDA

A. Location: 9 and 11 Franklin Street (Map 26, Lot 375)

Applicant: 11 Franklin, LLC

Description: A continuance of a public hearing for all persons interested in the application of 11 FRANKLIN, LLC for the property located at 9 Franklin Street (Map 26, Lot 375) in the B1 and R2 Zoning District for a Site Plan Review and Flood Hazard Overlay District Special Permit in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to construct twelve (12) townhouse style units located in three (3) buildings on the portion of the parcel known as 9 Franklin Street and consisting of approximately 36,450 square feet. The proposed buildings are three (3) stories. Six (6) surface parking spaces and twenty-four (24) garage parking spaces are proposed for a total of thirty (30) spaces. Proposed vehicular access to 9 Franklin Street will be provided through a twenty (20) foot wide drive aisle from the existing westerly curb cut. Proposed pedestrian access will be provided through a sidewalk extending from Franklin Street into the site.

****Request to continue to January 20, 2022.****

Scott Grover: Requesting a continuance on behalf of the applicant. We are waiting on conditions from the city engineering department and are close to wrapping up.

A motion to continue to January 20, 2022, meeting, is made by Helen Sides, seconded by Todd Waller and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

B. Location: 1 Harmony Grove Rd (Map 7, Lot 58), 3 Harmony Grove Rd. (Map 7, Lot 46), 5 Harmony Grove Road (Map 7, Lot 57), 60 Grove Street (Map 7, Lot 47), and 64 Grove Street (Map 7, Lot 48)

Applicant: Joe Correnti f/b/o 116 Bennington Street Realty Trust

Description: A continuance of a public hearing for all persons interested in the application of JOSEPH CORRENTI f/b/o 116 Bennington Street Realty Trust for the property located at 1 Harmony Grove Rd (Map 7, Lot 58), 3 Harmony Grove Rd. (Map 7, Lot 46), 5 Harmony Grove Road (Map 7, Lot 57), 60 Grove Street (Map 7, Lot 47), and 64 Grove Street (Map 7, Lot 48) in the I, R2, and BPD Zoning Districts for Site Plan Review in the Entrance Corridor Overlay District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District, Section 8.2 Entrance Corridor Overlay District, and 8.3 Business Park Special Permit. The applicant is requesting an amendment to a previously approved plan by reducing the number of units to 124 in three buildings, adding a fitness building, dog park, and basketball court. The proposed work includes razing any existing improvements, construction of the new buildings and amenities, and pavement.

Request to continue to January 20, 2022.

Attorney Correnti: Requesting a continuance to January 20, 2022. Awaiting peer review and comments from the engineering team. Hoping to have received and responded to everything for the next meeting.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

A motion to continue to January 20, 2022, meeting, is made by Helen Sides, seconded by Todd Waller and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

C. Location: 373 Highland Ave (Map 7, Lot 58), 355 Highland Avenue (Map 7, Lot 46), 2 Cedar Road (Map 7, Lot 57), 3 Cedar Road (Map 7, Lot 47), 5 Cedar Road (Map 7, Lot 48), 6 Cedar Road (Map 7, Lot 56), and 10 Cedar Road (Map 7, Lot 55)

Applicant: Joe Correnti f/b/o Berman Properties, LLC/Tropical Products

Description: A continuance of a public hearing for all persons interested in the application of JOSEPH CORRENTI f/b/o Berman Properties, LLC/Tropical Products for the property located at 373 Highland Ave (Map 7, Lot 58), 355 Highland Avenue (Map 7, Lot 46), 2 Cedar Road (Map 7, Lot 57), 3 Cedar Road (Map 7, Lot 47), 5 Cedar Road (Map 7, Lot 48), 6 Cedar Road (Map 7, Lot 56), and 10 Cedar Road (Map 7, Lot 55) in the B2 and BPD Zoning District for Site Plan Review in the Entrance Corridor Overlay District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.2 Entrance Corridor Overlay District, and 8.3 Business Park Special Permit. The applicant specifically proposes to construct a warehouse with an approximately 70,000 square foot footprint and all associated improvements. The proposed work includes razing any existing improvements, construction of the new building, and pavement.
Request to continue to January 20, 2022.

This item was heard fourth. Attorney Correnti: We are making substantial progress addressing outstanding issues. We've addressed comments in writing and are working on the traffic peer review. Additional conversations are being held with planning staff around conditions. Ideally wrapped up and ready to discuss with the board in the next week or so.

A motion to continue to January 20, 2022 meeting, is made by Helen Sides, seconded by Todd Waller and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

- D. Location:** 373 Highland Ave (Map 7, Lot 58) and 10 Cedar Road (Map 7, Lot 55)
Applicant: Joe Correnti f/b/o K R Starr Realty Holding LLC
Description: Endorsement of a Plan believed not to require approval under the Subdivision Control Law (ANR).

This item was heard third. Attorney Correnti and Paula Thompson share ANR plans. Highlights include:

- Essentially breaking off parcels from existing lots. Plan shows historic land court references for lots, hence its visual busy-ness.
- This is the division of two lots, Map 7 Lots 58 and 55, into two parcels each. Lot 55 will be divided into Parcels 308A and 308B. Lot 58 will be divided into Lot 300A and Parcel 300B. 300B is being excluded from the project, not being purchased by Tropical Products.
- 308A, 308B, and 300B are not to be considered buildable lots because they don't have frontage and, in some cases, enough area. These are marked as such on the plan.

Kirt Rieder: You say they wouldn't have frontage. Could you elaborate?

- Attorney Correnti: This is the existing Cedar Road, not the future realignment.

A motion to approve under the Subdivision Control Law as an "Approval Not Required" Plan, is made by Carole Hamilton, seconded by Noah Koretz and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

E. Location: 342 Highland Avenue (Map 8, Lot 15) and 2 Barcelona Avenue (Map 8, Lot 14)

Applicant: ANTHONY GUBA

Description: A continuance of a public hearing for all persons interested in the application of ANTHONY GUBA for the property located at 342 Highland Avenue (Map 8, Lot 15) and 2 Barcelona Avenue (Map 8, Lot 14) in the B2 Zoning District for Site Plan Review in the Entrance Corridor Overlay District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.2 Entrance Corridor Overlay District, and 6.3 Motor Vehicle Light Service Station. The applicant specifically proposes to construct an approximately 3,353 square foot Convenience Store and a 12 fuel position Gas Station and all associated improvements. The proposed work includes razing existing asphalt, construction of the new store, fueling islands and canopy, underground tanks, utilities, and pavement.

Anthony Guba:

- This project has been presented several times now. No major changes in our last presentation. Have received approval from the Conservation Commission due to riverfront area within property.
- Driveway that serves the abutting property being proposed to remain as it. We have agreed to provide a granted easement.
- Have to go to MassDOT for driveway. Many other permits still needed, but all in initial drafts.
- Changes since last meeting include the removal of retaining wall out front, updated sidewalk configuration, landscaping and lighting plans.
- Have committed to put in place an easement to ensure abutter that uses driveway partially on this site retains access.

Kirt Rieder: Regarding the sidewalk reconfiguration, can you quantify the slope that is an issue?

- Anthony Guba: Working to keep the sidewalks at a 5% or less slope. If we follow the corner the slope increases to 8%.
- Kirt Rieder: Don't love the reconfiguration but respect the reasoning and decision. Additionally, wondering the reasoning behind the break in curbing/crosshatch parking space. Does this need to be here?
- Anthony Guba: We are ok with changing to a single line.

- Kirt Rieder: Thank you. Wanted to note that this is one of the most complete and well put together project applications we've seen in quite a few years.

Public Comment:

Lev McClain, Ward 4 Councilor, 22 Albion Street: I have to speak in opposition of this project after speaking to neighbors in the area. One of the initial reasons included the lack of easement for abutter. But happy to hear an agreement has since been made there. There are also concerns about impact to property value. Have not heard any neighbors speak in support of this project. Neighbors are concerned about noise, odor and access to property through Ravenna Avenue. Additional concerns around a fossil fuel burning station. Have not seen much future proofing within project.

- Anthony Guba: Appreciate the input. Hopefully we can address most of the concerns here.
 - Project has previously agreed to restrict traffic from accessing property through Barcelona Avenue. Confirmed with that deliveries would come from route 1A and make a left onto Highland Avenue.
 - Noise and odor concerns have been successfully addressed to the neighbors' satisfaction at our other locations. Hopefully, once in action, neighbors will see this same satisfaction at this site.
 - Currently only 2-4% of vehicles are electric right now. We acknowledge there are other options coming and look forward to providing that. But right now there is very much still a demand and likely will be for 40+ years.

A motion to close the public hearing, is made by Kirt Rieder, seconded by Tom Furey and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

Elena Eimert shares draft decision for the Planning Board's to review.

Kirt Rieder: Currently states that all trees should be planted at 3.5" caliper. Many on the plan are 2-2.5". Think a revision to state that applicant can plant multiple of the same tree to meet the 3.5" caliper would work.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

- Suggested wording: For ornamental and coniferous species, the applicant may provide smaller multiples equal to or exceeding the existing 3.5" caliper.
- Bill Grisct: Suggest modifying the first sentence. First says all, second says ornamental and coniferous. What authority do we have to change ECOD minimum standards?
- Kirt Rieder: This board has the ability to modify on a project-to-project basis.
- Helen Sides: I think it can stand as it is if we add in "with the exception of."

Helen Sides: Looking for clarification around EV chargers. Wondering if we have heard back on how the city would like to handle this? Fine with how it is written but wondering if there has been a decision?

- Elena Eimert: The department of sustainability and resiliency agreed with Mr. Guba's point around the charging stations being more likely to be used off site. Number included is what the department came back with.

Kirt Rieder: Traffic section seems to be the right spot to insert restrictions around traffic routed down Barcelona Avenue and Ravenna Avenue. Would prefer to keep wording in the positive. Ex, deliveries shall occur from X, rather than from Barcelona Avenue.

- Anthony Guba: This wording works for us. Should make sure we are clear that large vehicles will have to exit left onto Barcelona Avenue.
- Kirt Rieder:
 - Suggested wording (regarding Barcelona Avenue): The property owner shall restrict all deliveries and vehicle circulation no further than the curb cut on Barcelona Avenue.
 - Suggested wording (regarding Ravenna Avenue): All delivery traffic shall not use Ravenna Avenue.
 - Question around enforcement. Once we are all gone and residents note that this is happening, it goes to whom for enforcement? Would it be the building inspector and what tools are in his arsenal to effect change in a productive way?
 - Carole Hamilton: It would be up to the building inspector to enforce any conditions of the site plan. He's the enforcement officer for zoning issues and the site plan. Think it is understood and doesn't need to be written in.
- Helen Sides: Suggested wording (regarding Ravenna Avenue): Ravenna Avenue shall not be used for any delivery traffic or circulation.
 - Kirt Rieder: Can we change that for any delivery traffic or vehicular circulation?
 - Anthony Guba: We won't be able to determine which cars do or do not live in the neighborhood. Should clarify that we can control trucks.
 - Helen Sides: Think we should leave it at "delivery traffic." Residents could be driving trucks.

- Todd Waller: Should be a little more specific here, potentially “pertinent delivery traffic.” Meaning commercial traffic pertinent to the business. If a resident has a commercial vehicle they would be able to go fill up their truck.
- Noah Koretz: What if we said something like “none local delivery traffic.” For example, when roads are closed to local traffic only, it means people who have addresses on those roads. If a resident had a delivery truck that would be considered local traffic.
- Bill Griset: How about we say, “shall not be used for the delivery of merchandise or fuel to the business.” Something like that.

Elena Eimert: Noting a change to item K from the draft that you all received this morning. Made more clear that this relates to any connections to the city water main and has been approved by engineering.

- Kirt Rieder: So where will all of the water be coming from for irrigation? What happens in an extreme drought with a tank that could run dry?
- Anthony Guba: Will have an onsite irrigation well. There would be stress on the landscaping in the case of an extreme drought.

Kirt Rieder: How do we expand the clerk of the works overview to incorporate monitoring what gets installed for final surface restoration, in terms of the landscape. Essentially there is no one taking ownership of that. This is not a criticism of this applicant and not something we are going to solve tonight.

- Elena Eimert: Definitely something I can bring up at our interdepartmental meeting. You’re right, this language is recycled and that has not been considered. Will see what other people in the city think.

Tom Furey: Wish to commend and congratulate Mr. Guba. Both the applicant and board have taken a lot of time and detail to get this project in such a great position. Believe this will be a good neighbor to the area. A win-win for the city of Salem to have a gas station located on 107.

Zach Caunter: Know a concern we heard was around the private easement for the abutting property. Is that something that should be included here or, because it's a private easement, would it fall out of our jurisdiction?

- Elena Eimert: I’ve had discussions with others in the department around this issue and I’ve heard that language that could be included in a condition could be something along the lines of, “shall, in a good faith endeavor, work with abutter X to create an easement to Y.” But nothing more compelling than that.
- Bill Griset: Do you think we should insert language around that? Or are you comfortable as is?
- Zach Caunter: I would go with how the rest of the board feels. I feel like that was something promised to the abutter. Councilor McClain also voiced concern around it.

Clearly this is an important issue. I would be in favor of adding that the property owner works in good faith in conveying that private easement to the abutter. Also ok with skipping if the rest of the board feels this is out of our scope.

- Bill Grisct: Appreciate you bringing this up and think we should give these concerns the weight they deserve.
- Helen Sides: If the drawing set is a part of the document, why does it need to be noted in the written? Think we're going overboard.
- Kirt Rider: To Helen's point, I see "abutter driveway unchanged."
- Bill Grisct: I fear we are going beyond anything we've ever done before. It concerns me how deeply we are sinking into this.
- Anthony Gbua: We've made a commitment and I believe abutter is satisfied with this agreement.
- Zach Caunter: I am satisfied with the representations you're currently making to the board, Mr. Guba.
- Kirt: Satisfied with drawings stating edges of existing pavement should not be removed.

A motion to approve, is made by Helen Sides, seconded by Tom Furey and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

III. OLD/NEW BUSINESS

IV. APPROVAL OF MINUTES

A. Approval of the October 21, 2021, Regular Planning Board Minute

Kirt Rieder: Edit on page 21. Says steel but should say cast iron.

Sarah Tarbet: Edit on page 20. "Transform road" should say "transformer."

A motion to approve the October 21, 2021, Regular Planning Board Minutes, is made by Kirt Rieder, seconded by Sarah Tarbet and passes 9-0 in a roll call vote.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Todd Waller	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Helen Sides	Yes

B. Approval of the November 4, 2021, Regular Planning Board Minutes

A motion to approve the November 4, 2021, Regular Planning Board Minutes, is made by Tom Furey, seconded by Noah Koretz and passes 7-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Todd Waller	Yes
Noah Koretz	Yes
Sarah Tarbet	Abstains
Helen Sides	Abstains

V. ADJOURNMENT

A motion to adjourn, is made by Carole Hamilton, seconded by Kirt Rieder and passes 9-0 in a roll call vote.

Bill Grisct	Yes
Kirt Rieder	Yes
Tom Furey	Yes
Carole Hamilton	Yes
Zach Caunter	Yes
Sarah Tarbet	Yes
Helen Sides	Yes
Todd Waller	Yes
Noah Koretz	Yes

The meeting adjourned at 8:16 p.m.

Approved by the Planning Board on March 3, 2022.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.